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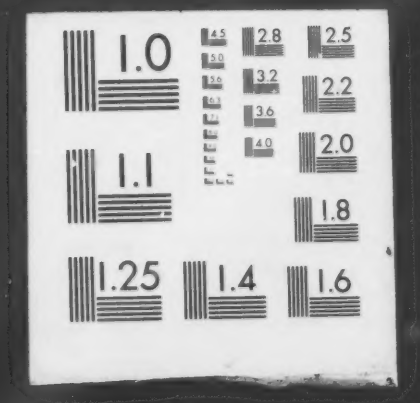

U.S. DEPARTMENT OF COMMERCE
National Technical Information Service

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Air Pollution Regulations in State Implementation Plans California, Amador County

Abcor, Inc, Wilmington, MA Walden Div

Prepared for

Environmental Protection Agency, Research Triangle Park, NC Control Programs Development Div

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This document has been produced in compliance with Section 110(h)(1) of the Clean Air Act amendments of 1977. The Federally enforceable regulations contained in the State Implementation Plans (SIPs) have been compiled for all 56 States and territories (with the exception of the Northern Mariana Islands). They consist of both the Federally approved State and/or local air quality regulations as indicated in the Federal Register and the Federally promulgated regulations for the State, as indicated in the Federal Register. Regulations which fall into one of the above categories as of January 1, 1978, have been incorporated. As mandated by Congress, this document will be updated annually. State and/or local air quality regulations which have not been Federally approved as of January 1, 1978, are not included here; omission of these regulations from this document in no way affects the ability of the respective Federal, State, or local agencies to enforce such regulations.

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EPA

Air Pollution Regulations in State Implementation Plans:

California

Amador County

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Air Pollution Regulations in State Implementation Plans:

California

Amador County

by

Walden Division of Abcor, Inc.
Wilmington, Massachusetts

Contract No. 68-02-2890

EPA Project Officer: Bob Schell

Prepared for

U.S. ENVIRONMENTAL PROTECTION AGENCY
Office of Air, Noise, and Radiation
Office of Air Quality Planning and Standards
Research Triangle Park, North Carolina 27711

August 1978

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This report is issued by the Environmental Protection Agency to report air pollution regulations of interest to a limited number of readers. Copies are available, for a fee, from the National Technical Information Service, 5285 Port Royal Road, Springfield, VA 22161.

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Publication No. EPA-450/3-78-054-1

INTRODUCTION

This document has been produced in compliance with Section 110(h)(1) of the Clean Air Act Amendments of 1977. The Federally enforceable regulations contained in the State Implementation Plans (SIPs) have been compiled for all 56 States and territories (with the exception of the Northern Mariana Islands). They consist of both the Federally approved State and/or local air quality regulations as indicated in the Federal Register and the Federally promulgated regulations for the State, as indicated in the Federal Register. Regulations which fall into one of the above categories as of January 1, 1978, have been incorporated. As mandated by Congress, this document will be updated annually. State and/or local air quality regulations which have not been Federally approved as of January 1, 1978, are not included here; omission of these regulations from this document in no way affects the ability of the respective Federal, State, or local agencies to enforce such regulations.

There have been recent changes in the Federal enforceability of parking management regulations and indirect source regulations. The October, 1977, appropriation bill for EPA prohibited Federal enforcement of parking management regulations in the absence of specific Federal authorizing legislation. Federally promulgated parking management regulations have, therefore, been suspended indefinitely. Pursuant to the 1977 Clean Air Act Amendments, indirect source regulations may not be required for the approval of a given SIP. Consequently, any State adopted indirect source regulations may be suspended or revoked; State adopted indirect source regulations contained in an applicable SIP are Federally enforceable. More importantly, EPA may only promulgate indirect source review regulations which are specific to Federally funded, operated, or owned facilities or projects. Therefore, the Federally promulgated indirect source regulations appearing in this document are not enforceable by EPA except as they relate to Federal facilities.

Since State air quality regulations vary widely in their organization, content, and language, a standardized subject index is utilized in this document. Index listings consist of both contaminant and activity oriented categories to facilitate usage. For example, for regulations which apply to copper smelters, one might look under sulfur compounds (50.2), particulate matter process weight (50.1.1), or copper smelters (51.15). Federal regulations pertaining to a given State immediately follow the approved State and local regulations.

Additionally, a summary sheet of the information included in each comprehensive document is presented prior to the regulatory text to allow one to quickly assess the contents of the document. Specifically, the summary sheets contain the date of submittal to EPA of each revision

to the SIP and the date of the Federal Register in which the revision was either approved or disapproved by EPA. Finally, a brief description or reference of the regulation which was submitted is also included.

This document is not intended to provide a tool for determining the enforceability of any given regulation. As stated above, it is intended to provide a comprehensive compilation of those regulations which are incorporated directly or by reference into Title 40, Part 52, of the Code of Federal Regulations. Consequently, the exclusion of a Federally approved regulation from this document does not diminish the enforceability of the regulation. Similarly, the inclusion of a given regulation (for example, regulations governing pollutants, such as odors, for which there is no national ambient air quality standards) in this document does not, in itself, render the regulation enforceable.

SUMMARY SHEET

OF

EPA-APPROVED REGULATION CHANGES

AMADOR COUNTY

Submittal Date	Approval Date	Description
6/30/72	9/22/72	All Regs. Approved unless noted otherwise

DOCUMENTATION OF CURRENT EPA-APPROVED
STATE AIR POLLUTION REGULATIONS

REVISED STANDARD SUBJECT INDEX

1.0 DEFINITIONS

2.0 GENERAL PROVISIONS AND ADMINISTRATIVE PROCEDURES

3.0 REGISTRATION CERTIFICATES, OPERATING PERMITS AND APPLICATIONS

4.0 AIR QUALITY STANDARDS (PRIMARY AND SECONDARY)

- 4.1 PARTICULATES
- 4.2 SULFUR DIOXIDE
- 4.3 NITRIC OXIDES
- 4.4 HYDROCARBONS
- 4.5 CARBON MONOXIDE
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5.0 VARIANCES

6.0 COMPLIANCE SCHEDULES

7.0 EQUIPMENT MALFUNCTION AND MAINTENANCE

8.0 EMERGENCY EPISODES

9.0 AIR QUALITY SURVEILLANCE AND SOURCE TESTING

10.0 NEW SOURCE PERFORMANCE STANDARDS

11.0 NATIONAL EMISSIONS STANDARDS FOR HAZARDOUS AIR POLLUTANTS

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51.6 FUEL BURNING EQUIPMENT (coal, natural gas, oil) - SO_2 (includes Fuel Content and Other Related Topics)

51.7 FUEL BURNING EQUIPMENT (oil, natural gas, coal) - NO_2 (includes Fuel Content and Other Related Topics)

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51.9 INCINERATION

51.10 NITRIC ACID PLANTS

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51.15 PETROLEUM REFINERIES

51.16 PETROLEUM STORAGE (includes Loading, Unloading, Handling and Related Topics)

51.17 SECONDARY METAL OPERATIONS (includes Aluminum, Steel and Related Topics)

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RULES AND REGULATIONS

AMADOR COUNTY

AIR POLLUTION CONTROL DISTRICT

Regulation I

General Provisions

(2.0) Rule 1. TITLE.

These rules and regulations shall be known as the Rules and Regulations of the Amador County Air Pollution Control District.

(1.0) Rule 2. DEFINITIONS.

Except as otherwise specifically provided in these rules, and except where the context otherwise indicates, words used in these rules, are used in exactly the same sense as the same words are used in the Health and Safety Code of the State of California.

A. AGRICULTURAL BURNING. "Agricultural burning," as used in these Regulations means open outdoor fires used in agricultural operations including the growing of crops or raising of fowls or animals, forest management, or range improvement.

B. AIR CONTAMINANT. "Air contaminant," includes smoke, charred paper, dust, soot, grime, carbon, noxious acids, fumes, gases, or particulate matter, or any combination thereof.

C. AIR POLLUTANT. "Air Pollutant," means dust, fumes, mist, smoke, other particulate matter, vapor, gas, odorous substances, or any combination thereof.

D. ALTERATION. Any addition to, enlargement of, replacement of, or any major modification or change of the design, capacity, process, or arrangement, or any increase in the connected loading of, equipment or control apparatus, which will significantly increase or affect the kind or amount of air contaminants emitted.

E. ATMOSPHERE. "Atmosphere," means the air that envelopes or surrounds the earth. Where air pollutants are emitted into a building not designed specifically as a piece of air pollution control equipment, such emission into the building shall be considered an emission into the atmosphere.

F. BOARD. "Board," means Air Pollution Control Board of the Air Pollution Control District of Amador County.

G. COMBUSTIBLE REFUSE. "Combustible Refuse," is any solid or liquid combustible waste material containing carbon in a free or combined state.

H. COMBUSTION CONTAMINANTS. "Combustion Contaminants," are particulate matter discharged into the atmosphere from the burning of any kind of material containing carbon in a free or combined state.

I. CONDENSED FUMES. "Condensed Fumes," are minute, solid particles generated by the condensation of vapors from solid matter after volatilization from the molten state, or may be generated by sublimation, distillation, calcination, or chemical reaction, when these processes create air-borne particles.

J. CONTROL OFFICER. "Control Officer," means the Air Pollution Control Officer of the Air Pollution Control District of Amador County.

K. DISTRICT. "District," is the Air Pollution Control District of Amador County.

L. DUSTS. "Dusts," are minute, solid particles released into the air by natural forces or by mechanical processes such as crushing, grinding, milling, drilling, demolishing, shoveling, conveying, covering, bagging, sweeping, or other similar processes.

M. EMISSION. "Emission," means the act of releasing or discharging air pollutants into the ambient air from any source.

N. EMISSION POINT. The place, located in a horizontal plane and vertical elevation, at which an emission enters the atmosphere.

O. FLUE. Any duct or passage for air, gases, or the like, such as a stack or chimney.

P. HEARING BOARD. "Hearing Board," means the Hearing Board of the Air Pollution Control District of Amador County.

Q. INCINERATOR. "Incinerator," means any furnace or other closed fire chamber used to dispose of combustible refuse by burning, from which the products of combustion are directed through a flue or chimney.

R. INSTALLATION. The placement, assemblage, or construction of equipment or control apparatus at the premises where the equip-

ment or control apparatus will be used, and includes all preparatory work at such premises.

S. INSTITUTIONAL FACILITY. "Institutional Facility," means any hospital, boarding homes, school, corporation yard, or like facility.

T. MULTIPLE-CHAMBER INCINERATOR. "Multiple-Chamber Incinerator," is any article, machine, equipment, contrivance, structure or any part of a structure used to dispose of combustible refuse by burning, consisting of three or more refractory walls, interconnected by gas passage ports or ducts, and employing adequate design parameters necessary for maximum combustion of the material to be burned. The refractories shall have a Pyrometric Cone equivalent of at least 17, tested according to the method described in the American Society for Testing Materials, Method C-24.

U. OPEN OUTDOOR FIRE. "Open Outdoor Fire," as used in these Regulations means combustion of any combustible refuse or other material of any type outdoors in the open air not in any enclosure where the products of combustion are not directed through a flue.

V. OPERATION. Any physical action resulting in a change in the location, form or physical properties of a material, or any chemical action resulting in a change in the chemical composition or the chemical properties of a material.

W. ORCHARD OR CITRUS GROVE HEATER. "Orchard or Citrus Grove Heater," as used in these Regulations, means any article, machine, equipment or other contrivance, burning any type of fuel or material capable of emitting air contaminants, used or capable of being used for the purpose of giving protection from frost damage.

X. OWNER. Includes but is not limited to any person who leases, supervises, or operates equipment, in addition to the normal meaning of ownership.

Y. PARTICULATE MATTER. "Particulate Matter," is any material, except uncombined water, which exists in a finely divided form as a liquid or solid at standard conditions.

Z. PERSON. "Person," means any person, firm, association, organization, partnership, business trust, corporation, company, contractor, supplier, installer, user or owner, or any state or local governmental agency or public district or any officer or employee thereof.

AA. PPM. Parts per million by volume.

BB. PROCESS WEIGHT RATE. Process Weight is the total weight of all materials introduced into any specific process which process may cause any discharge into the atmosphere. Solid fuels charged will be considered as part of the process weight, but liquid and gaseous fuels and combustion air will not. The Process Weight Rate will be derived by dividing the total process weight by the number of hours in one complete operation from the beginning of any given process to the completion thereof, excluding any time during which the equipment is idle.

CC. REGULATION. "Regulation," means one of the major subdivisions of the Amador County Air Pollution Control Rules and Regulations.

DD. RESIDENTIAL RUBBISH. "Residential Rubbish," means refuse originating from residential uses and includes wood, paper, cloth, cardboard, tree trimmings, leaves, lawn clippings, and dry plants.

EE. RULE. "Rule," means a rule of the Air Pollution Control District of Amador County.

FF. SOURCE OPERATION. The last operation preceeding the emission of an air contaminant, which operation (a) results in the separation of the air contaminant from the process materials or in the conversion of the process materials into air contaminants, as in the case of combustion of fuels; and (b) is not an air pollution abatement operation.

GG. STANDARD CONDITIONS. "Standard Conditions," as used in these Regulations, are a gas temperature of 60 degrees Fahrenheit and a gas pressure of 14.7 pounds per square inch absolute. Results of all analyses and tests shall be calculated and reported at this gas temperature and pressure.

HH. STANDARD CUBIC FOOT OF GAS. The amount of gas that would occupy a volume of one (1) cubic foot, if free of water vapor, at standard conditions.

II. SECTION. "Section," means section of the Health and Safety Code of the State of California unless some other statute is specifically mentioned.

(14.0) Rule 3. CONFIDENTIAL INFORMATION.

All investigations conducted, and information obtained by the Control Officer, except date or information on amount of emission and percentage control, shall be confidential, and shall not be disclosed without prior written consent of the person or persons owning or operating the property affected.

A. Nothing contained in this rule shall limit the Control Officer's use of any material, investigative data, or information in any proceedings before the Hearing Board, the Control Board or any Court of competent jurisdiction.

B. The unauthorized disclosure of such confidential information shall constitute a misdemeanor.

(15.0) Rule 4. ENFORCEMENT.

These rules and regulations shall be enforced by the Control Officer under authority of Section 24224 (b), Article 2 and Sections 24260, 24262, Article 4; and all officers empowered by Section 24221, Article 2 of the Health and Safety Code of the State of California.

(15.0) Rule 5. VALIDITY.

If any regulation, rule, subdivision, sentence, clause, or phrase of these Rules and Regulations is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of these Rules and Regulations. The County of Amador declares that it would have adopted these Rules and Regulations and every regulation, rule, subdivision, sentence, clause, and phrase thereof irrespective of the fact that any one or more regulations, rules, subdivisions, sentences, clauses or phrases be declared unconstitutional or invalid.

Regulation II

Registration

(3.0) Rule 1.

Subject to the exemptions specified in Paragraph 4, Regulation II, each facility which operates any article, machine, equipment, or other contrivance which, in its operation, emits or may emit, reduce, or control air contaminants as herein defined, shall be registered with the Control Officer. The person responsible for the operation of such facility shall register or cause same to be registered within ninety (90) days after the adoption of these Rules and Regulations or within thirty (30) days after such facility first becomes subject to registration, whichever is later. The person responsible for such registration shall maintain the same in a current status by notifying the Control Officer in writing of any significant change in any item of information furnished in compliance with this section.

(3.0) Rule 2.

A person registering a facility as required by Paragraph 1, Regulation II, shall include in such registration the following:

A. The business name of the facility.

B. The location of the facility.

C. The name and address of the responsible managing officer.

D. A general description of the facility.

E. The nature of the business.

F. The number and description of the contaminant collecting or controlling items involved.

G. Any other pertinent information required by the Air Pollution Control Officer relating to the emission of air pollutants.

(3.0) Rule 3.

Every person who is subject to these rules and regulations may be served with notices, including notices of hearing before the Hearing Board, by Certified Mail, addressed to the address contained in the registration file with the Control Officer.

(2.0) Rule 4. EXEMPTIONS.

There are hereby exempted from the registration requirements:

A. Vehicles as defined by the Vehicle Code of the State of California, and aircraft.

B. Internal combustion engines.

C. Combustion equipment utilized exclusively in connection with any structure, which structure is designed for and used exclusively as a dwelling for not more than four families.

D. Comfort air conditioning or comfort ventilating system which is not designed to remove air contaminants generated or released from specific units or equipment.

E. Equipment used exclusively for enclosed space heating, other than boilers.

F. Equipment used for the purpose of preparing food, in restaurants, bakeries, and confectioneries.

G. Steam generators, steam super heaters, water heaters, and closed heat transfer systems that are fired exclusively with one of the following:

1. Natural gas.

2. Liquified petroleum gas.

3. A combination of natural gas and liquified petroleum gas.

H. All agricultural equipment, other than orchard heaters emitting more than one (1) gram per minute of unconsumed solid carbonaceous matter.

I. Mobile construction equipment, other than pavement burners used in grading, leveling, paving or other similar operations.

J. Storage of gasoline except as covered by State law.

The exemptions as set forth above do not supersede the provisions hereinafter provided in Regulation V.

Regulation III

Permits

(2.0) Rule 1. AUTHORITY TO CONSTRUCT.

Any person building, erecting, altering or replacing any article, machine, equipment or other contrivance, the use of which may cause issuance of air contaminants or the use of which may eliminate or reduce or control the issuance of air contaminants, shall first obtain authorization for construction from the Air Pollution Control Officer. An authority for construction shall remain in effect until the permit to operate the equipment for which the application was filed is granted or denied or the application is canceled.

(3.0) Rule 2. PERMIT TO OPERATE.

Before any article, machine, equipment or other contrivance described in Paragraph 1, Regulation III, may be operated or used, a written permit shall be obtained from the Air Pollution Control Officer. No permit to operate or use shall be granted either by the Air Pollution Control Officer or the Hearing Board for any article, machine, equipment or contrivance described in Paragraph 1, Regulation III, constructed or installed without authorization as required by Paragraph 1, Regulation III, until the information required is presented to the Air Pollution

Control Officer and such article, machine, equipment or contrivance is altered, if necessary, and made to conform to the standards set forth herein.

(3.0) Rule 3. POSTING OF PERMIT TO OPERATE.

A person who has been granted a permit hereunder to operate any article, machine, equipment, or other contrivance described in Paragraph 1, Regulation III, shall firmly affix such permit to operate, an approved facsimile, or other approved identification bearing the permit number upon the article, machine, equipment, or other contrivance in such a manner as to be clearly visible and accessible. In the event that the article, machine, equipment, or other contrivance is so constructed that the permit to operate cannot be so placed, the permit to operate shall be mounted so as to be clearly visible in an accessible place within 25 feet of the article, machine, equipment or other contrivance, or maintained readily available at all times on the operating premises.

(2.0) Rule 4.

A person shall not wilfully deface, alter, forge, counterfeit, or falsify a permit to operate any article, machine, equipment or other contrivance.

(2.0) Rule 5. EXEMPTIONS.

An authority to construct or a permit to operate shall not be required for:

A. Vehicles as defined by the Vehicle Code of the State of California but not including any article, machine, equipment, or other contrivance mounted on such vehicle that would otherwise require a permit under the provisions of these rules and regulations.

B. Vehicles used to transport passengers or freight.

C. Equipment utilized exclusively in connection with any structure, which structure is designed for and used exclusively as a dwelling for not more than four families.

D. The following equipment:

1. Comfort air conditioning or comfort ventilating systems, which are not designed to remove air contaminants generated by or released from specific units or equipment.

2. Refrigeration units except those used as, or in conjunction with, air pollution control equipment.

3. Piston type internal combustion engines.

4. Water cooling towers and water cooling ponds not used for evaporative cooling of water from barometric jets or from barometric condensers.

5. Equipment used exclusively for steam cleaning.

6. Presses used exclusively for extruding metals, minerals, plastics, or wood.

7. Equipment used exclusively for space heating, other than boilers.

8. Equipment used for hydraulic or hydrostatic testing.

9. Equipment used in eating establishments for the purpose of preparing food for human consumption.

10. Equipment used exclusively to compress or hold dry natural gas.

E. The following equipment or any exhaust system or collector serving exclusively such equipment:

1. Laboratory equipment used exclusively for chemical or physical analyses and bench scale laboratory equipment.

2. Brazing, soldering, or welding equipment.

F. Steam generators, steam superheaters, water boilers, water heaters, and closed heat transfer systems of less than 250,000,000 British Thermal Units per hour (gross), and capacity are fired exclusively with one of the following:

1. Natural gas.

2. Liquified petroleum gas.

3. A combination of natural gas and liquified petroleum gas.

G. Natural draft hoods, natural draft stacks, or natural draft ventilators.

H. Other sources of minor significance which may be specified by the Air Pollution Control Officer.

I. Self-propelled mobile construction equipment other than pavement burners.

J. Agricultural implements used in agricultural operations.

K. Vacuum cleaning systems used exclusively for industrial, commercial, or residential housekeeping purposes.

L. Repairs or maintenance not involving structural changes to any equipment for which a permit has been granted.

M. Identical replacements in whole or in part of any equipment where a permit to operate has previously been granted for such equipment.

(2.0) Rule 6. TRANSFER.

A permit shall not be transferable, whether by operation of law, or otherwise, either from one location to another, from one piece of equipment to another, or from one person to another.

(3.0) Rule 7. APPLICATIONS.

Every application for a permit required under Paragraph 1 and 2, Regulation III shall be filed in the manner and form prescribed by the Air Pollution Control Officer, and shall give all the information necessary to enable the Air Pollution Control Officer to make the determination required by Paragraph 11, Regulation III hereof.

(2.0) Rule 8. CANCELLATION.

An authority to construct shall be canceled two years from the date of filing of the application.

(3.0) Rule 9. ACTION ON APPLICATION.

The Air Pollution Control Officer shall act, within a reasonable time, on a permit application and shall notify the applicant in writing of his approval, conditional approval, or denial.

(9.0) Rule 10. PROVISIONS OF SAMPLING AND TESTING FACILITIES.

A person operating or using any equipment for which these rules require a permit shall provide and maintain such sampling and testing facilities as specified in the permit.

(3.0) Rule 11. STANDARDS FOR GRANTING APPLICATIONS.

A. The Air Pollution Control Officer shall deny a permit except as provided in Paragraph 12, Regulation III, if the applicant does not show that the use of any equipment, which may cause the issuance of air contaminants, or the use of which may eliminate or reduce or control the issuance of air contaminants, is so designed, controlled, or equipped with such air pollution control equipment, that it may be expected to operate without emitting

or without causing to be emitted air contaminants in violations of Section 24242 or 24243, of the Health and Safety Code, or of these rules and regulations.

B. Before a permit is granted, the Air Pollution Control Officer may require the applicant to provide and maintain such facilities as are necessary for sampling and testing purposes in order to secure information that will disclose the nature, extent, quantity or degree of air contaminants discharged into the atmosphere from the equipment described in the permit. In the event of such a requirement, the Air Pollution Control Officer shall notify the applicant in writing of the required size, number and location of the sampling holes; the size and location of the sampling platform; the access to the sampling platform; and the utilities for operating the sampling and testing equipment. The platform and access shall be constructed in accordance with the general industry safety orders of the State of California.

C. In acting upon a permit to operate, if the Air Pollution Control Officer finds that the equipment has been constructed not in accordance with the authority to construct, he shall deny the permit to operate. The Air Pollution Control Officer shall not accept any further application for permit to operate the equipment so constructed until he finds that the equipment has been constructed in accordance with the authority to construct.

(2.0) Rule 12. CONDITIONAL APPROVAL.

The Air Pollution Control Officer may issue an authority to construct or permit to operate subject to conditions which will bring the operation of any equipment within the standards of Paragraph 11, Regulation III, in which case the conditions shall be specified in writing. Commencing work under such an authority to construct or operation under such a permit to operate shall be deemed acceptance of all the conditions so specified. The Air Pollution Control Officer shall issue an authority to construct or a permit to operate with revised conditions upon receipt of a new application, if the applicant demonstrates that the equipment can operate within the standards of Paragraph 11, Regulation III, under the revised conditions.

(3.0) Rule 13. DENIAL OF APPLICATIONS.

In the event of denial of a permit, the Air Pollution Control Officer shall notify the applicant in writing of the reasons therefore. Service of this notification may be made in person or by mail, and such service may be proved by the written acknowledgement of the persons served or affidavit of the person making the service. The Air Pollution Control Officer shall not accept a further application unless the applicant has

complied with the objections specified by the Air Pollution Control Officer as his reasons for denial of the permit.

(2.0) Rule 14. FURTHER INFORMATION.

Before acting on an application for a permit, the Air Pollution Control Officer may require the applicant to furnish information or further plans or specifications.

(3.0) Rule 15. APPLICATIONS DEEMED DENIED.

The applicant may at his option deem the permit denied if the Air Pollution Control Officer fails to act on the application within 30 days after filing, or within 30 days after applicant furnishes the further information, plans and specifications requested by the Air Pollution Control Officer, whichever is later.

(2.0) Rule 16. APPEALS.

Within 10 days after notice by the Air Pollution Control Officer of denial of a permit, the applicant may petition the Hearing Board, in writing, for a public hearing. The Hearing Board, after notice and a public hearing held within 30 days after filing the petition, may sustain or reverse the action of the Air Pollution Control Officer; such orders may be made subject to specified conditions.

Regulation IV

Fees

(2.0) Rule 1.

Every applicant or petitioner for a variance or for the extension, revocation, or modification of a variance, excepting any state or local government agency or public district shall pay to the clerk of the Hearing Board, upon filing a fee, in an amount to be determined by the Board of Supervisors of the County of Amador by Resolution. Said fee to be based upon and determined by the cost of administration of these Rules and Regulations, or the administration required under Article 5, Chapter 2, Division 20 of the Health and Safety Code of the State of California. No part of the fee shall be refundable.

Regulation V

Prohibitions

(2.0) Rule 1. PROHIBITIONS UNDER STATE LAW.

The provisions of the Health and Safety Code of the State of California, entitled Prohibitions, are applicable within the boundaries of the Amador County Air Pollution Control District.

(9.0) Rule 2. ANALYSES REQUIRED.

The Control Officer may at any time require from any person subject to regulations of the Board, such information or analyses as will disclose the nature, extent, quantity or degree of air contaminants which are or may be discharged by such source, and may require that such disclosures be certified by a professional engineer registered in the State. Such studies shall be at the expense of the person causing the emission or planning such emission.

(50.1.2) Rule 3. RINGLEMANN CHART.

A person shall not discharge into the atmosphere from any single source of emission whatsoever, any air contaminant for a period or periods aggregating more than three (3) minutes in any one (1) hour which is:

A. As dark or darker in shade as that designated as No. 1 on the Ringelmann Chart, as published by the United States Bureau of Mines, or

B. Of such opacity as to obscure an observer's view to a degree equal to or greater than does smoke described in subsection A of this Rule.

(2.0) Rule 4. EXCEPTIONS.

The provisions of Paragraph 3, Regulation V, do not apply to:

A. Smoke from fires set by or permitted by any public officer, if such fire is set or permission given in the performance of the official duty of such officer, and such fire in the opinion of such officer is necessary,

1. For the purposes of the prevention of a fire which cannot be abated by any other means, or

2. The instruction of public employees in the methods of fighting fire.

B. Smoke from fires set pursuant to permit on property used for industrial purposes for the purpose of instruction of employees in methods of fighting fire.

C. Smoke from open burning for which a permit has been issued under the provisions of Paragraph 8, Regulation V.

D. Agricultural operations in the growing of crops or raising of fowl or animals.

E. The use of an orchard or citrus grove heater which does not produce unconsumed solid carbonaceous matter at a rate in excess of one (1) gram per minute.

F. Emission which results from equipment breakdown. The person responsible for such equipment shall, with all practicable speed, initiate and complete appropriate action to correct the condition causing such emissions and reduce the frequency of occurrence of such conditions.

Such person shall report such breakdown to the Control Officer within 24 hours of such occurrence.

G. The use of other equipment in agricultural operations in the growing of crops, or the raising of fowl or animals.

(50.7) Rule 5. NUISANCE.

A person shall not discharge from any source whatsoever such quantities of air contaminants or other material which cause injury, detriment, nuisance or annoyance to any considerable number of persons or to the public or which endanger the comfort, repose, health or safety of any such persons or the public or which cause or have a natural tendency to cause injury or damage to business or property.

(2.0) Rule 6. ADDITIONAL EXCEPTION.

The provisions of Paragraph 5, Regulation V, do not apply to odors emanating from agricultural operations in the growing of crops or raising of fowl or animals.

(50.1.2)Rule 7. WET PLUMES.

Where the presence of uncombined water is the only reason for the failure of an emission to meet the limitation of Paragraph 3, Regulation V, that rule shall not apply. The burden of proof which establishes the application of this Rule shall be upon the person seeking to come within its provisions.

(51.13) Rule 8. OPEN BURNING.

No person shall burn any refuse or other material in an open outdoor fire within the boundaries of the Amador County Air Pollution District except:

A. When such fire is set or permission for such fire is given in the performance of the official duty of any public officer, and such fire in the opinion of such officer is necessary:

1. For the purpose of the prevention of a fire which cannot be abated by any other means, or

2. For the instruction of public employees in methods of fire fighting.

3. Set pursuant to permit on property used for industrial purposes for the purpose of instruction of employees in methods of fighting fire.

B. Conducting agricultural operations in the growing of crops, or raising of fowl or animals, on a farm, except as provided by Paragraphs 12 A and B, Regulation V, for the primary purpose of making a profit or for a livelihood; forest management; or range improvement.

C. Fires used only for cooking of food for human beings.

D. The material to be burned is residential rubbish and originates on and is being burned on premises of single or two family dwellings.

E. Burning for right-of-way clearing by a public entity or utility or for levee and ditch maintenance. Burning at solid waste dumps with approval from the Air Resources Board. All burning under section E shall be under permit from the Control District

F. Backfires or other fire control methods used for the purpose of controlling an existing wild fire.

G. Exception A, B, and E, of Paragraph 8, Regulation V, shall not be effective when the Air Pollution Control Officer determines through the Air Resources Board a no-burn day exists.

H. These exceptions shall not apply to any industrial, commercial or institutional facility wherever located, or to a residential facility constructed for the use of more than two families.

(51.9) Rule 9. INCINERATOR BURNING.

Except for refuse originating in one and two family residences, a person shall not burn any combustible waste in any incinerator within the boundaries of the Amador County Air Pollution Control District except in a multiple-chamber incinerator as described in Paragraph 2 T, Regulation I, or in equipment found by the Air Pollution Control Officer to be equally effective for the purpose of air pollution control.

(50.1) Rule 10. PARTICULATE MATTER.

Except as otherwise provided for in Health and Safety Code Section 24245 and Paragraph 4 and 8, Regulation V, a person shall not release or discharge into the atmosphere from any source or single processing unit whatsoever, dust, fumes or particulate matter emissions in excess of 0.1 grain per cubic foot of gas at standard conditions.

(50.0) Rule 11. SPECIFIC CONTAMINANTS.

A person shall not discharge into the atmosphere from any single source of emission whatsoever, any one or more of the contaminants, in any state or combination thereof, exceeding in concentration at the point of discharge:

A. Sulphur compounds calculated as sulphur dioxide (SO_2) 2000 ppm.

B. Combustion contaminants: 0.1 grain per cubic foot of gas calculated to 12 percent of carbon dioxide (CO_2) at standard conditions. In measuring the combustion contaminants from incinerators used to dispose of combustible refuse by burning, the carbon dioxide (CO_2) produced by combustion of any liquid or gaseous fuels shall be excluded from the calculation to 12 percent of carbon dioxide (CO_2).

(51.1) Rule 12. PROHIBITIONS REGARDING ORCHARD HEATERS.

A. No person shall operate or use any orchard heater not approved by Air Resources Board after January 1, 1975.

B. The sale of orchard heaters not approved by the Air Resources Board is prohibited. (A list of approved heaters will be maintained by the Air Pollution Control Officer.)

(50.1.1) Rule 13. PROCESS WEIGHT RATE.

A person shall not discharge into the atmosphere from any source, solid particulate matter in excess of the rate shown in the table in Rule 14, Regulation V.

For the purposes of this rule, solid particulate matter includes any material which would become solid particulate matter if cooled to standard conditions.

This rule shall become effective on January 1, 1974 for all sources which are either in operation, or under construction under a valid authority to construct on May 17, 1972. This rule shall be effective for all other sources on May 17, 1972.

(50.1.1)Rule 14. PROCESS WEIGHT TABLE.

MAXIMUM ALLOWABLE EMISSION RATE BASED ON PROCESS WEIGHT RATE

Process Weight Rate		Maximum Allowable Emission Rate
Lbs./Hr.	Tons/Hr.	Lbs./Hr.
50	.025	0.03
100	.050	0.55
500	.250	1.53
1,000	.500	2.25
5,000	2.500	6.34
10,000	5.000	9,73
20,000	10.000	14.99
60,000	30.000	29.60
80,000	40.000	31,19
120,000	60.000	33.28
160,000	80.000	34.85
200,000	100.000	36,11
400,000	200.000	40.35
1,000,000	500.000	46.72

Interpolation of the data for the process weight rates up to 60,000 lbs./hr. shall be accomplished by the use of the equation:

$$E = 3.59\ P^{0.62} \qquad P \leq 30 \text{ tons/hr.}$$

and interpolation and extrapolation of the data for process weight rates in excess of 60,000 lbs./hr. shall be accomplished by use of the equation:

$$E = 17.31\ P^{0.16} \qquad P > 30 \text{ tons/hr.}$$

Where: E = Emissions in pounds per hour.
P = Process weight rate in tons per hour.

(51.16) Rule 15. STORAGE OF PETROLEUM PRODUCTS.

A person shall not place, store or hold in any stationary tank, reservoir or other container of more than 40,000 gallons capacity any gasoline or any petroleum distillate having a vapor pressure of 1.5 pounds per square inch absolute or greater under actual storage conditions, unless such tank, reservoir or other container is a pressure tank maintaining working pressures sufficient at all times to prevent hydrocarbon vapor or gas loss to the atmosphere, or is designed and equipped with one of the following vapor loss control devices, properly installed, in good working order and in operation:

A. A floating roof, consisting of a pontoon type or double-deck type roof, resting on the surface of the liquid contents and equipped with a closure seal, or seals, to close the space between the roof edge and tank wall. The control equipment provided for in this paragraph shall not be used if the gasoline or petroleum distillate has a vapor pressure of 11.0 pounds per square inch absolute or greater under actual storage conditions. All tank gauging and sampling devices shall be gas-tight except when gauging or sampling is taking place.

B. A vapor recovery system, consisting of a vapor gathering system capable of collecting the hydrocarbon vapors and gases discharged and a vapor disposal system capable of processing such hydrocarbon vapors and gases so as to prevent their emission to the atmosphere and with all tank gauging and sampling devices gastight except when gauging or sampling is taking place.

C. Other equipment of equal efficiency, provided such equipment is submitted to and approved by the Air Pollution Control Officer.

This rule shall become effective on January 1, 1974, for all sources which are either in operation, or under construction under a valid authority to construct on May 17, 1972. This rule shall be effective for all other sources on May 17, 1972.

(51.16) Rule 16. GASOLINE STORAGE.

The following provisions of the State of California Health and Safety Code, and any future amendments thereto, are made a part of these rules and regulations by reference: Section 39068.2, Chapter 3, Part 1, Division 26, et. seq.

(51.16) Rule 17. ORGANIC LIQUID LOADING.

A person shall not load organic liquids having a vapor pressure of 1.5 pounds per square inch absolute or greater under actual loading conditions into any tank truck, trailer, or railroad tank car from any loading

facility unless the loading facility is equipped with a vapor collection and disposal system or its equivalent approved by the Air Pollution Control Officer.

Loading shall be accomplished in such a manner that all displaced vapor and air will be vented only to the vapor collection system. Measures shall be taken to prevent liquid drainage from the loading device when it is not in use or to accomplish complete drainage before the loading device is disconnected.

The vapor disposal portion of the vapor collection and disposal system shall consist of one of the following:

A. An adsorber system or condensation system which processes all vapors and recovers at least 90 percent by weight of the organic vapors and gases from the equipment being controlled.

B. A vapor handling system which directs all vapors to a fuel gas system.

C. Other equipment of an efficiency equal to or greater than A or B if approved by the Air Pollution Control Officer.

This rule shall apply only to the loading of organic liquids at a facility from which at least 20,000 gallons of such organic liquids are loaded in any one day.

"Loading facility", for the purpose of this Rule, shall mean any aggregation or combination of organic liquid loading equipment which is both (1) possessed by one person, and (2) located so that all the organic liquid loading outlets for such aggregation or combination of loading equipment can be encompassed within any circle of 300 feet in diameter.

This rule shall become effective on January 1, 1974, for all sources which are either in operation, or under construction under a valid authority to construct on May 17, 1972. This rule shall be effective for all other sources on May 17, 1972.

(50.4) Rule 18. ORGANIC SOLVENTS.

A. A person shall not discharge into the atmosphere more than 15 pounds of organic materials in any one day, nor more than 3 pounds in any one hour, from any article, machine, equipment or other contrivance, in which any organic solvent or any material containing organic solvent comes into contact with flame or is baked, heatcured or heat-polymerized, in the presence of oxygen, unless said discharge has been reduced by at least 85 percent. Those portions of any series of articles, machines, equipment

or other contrivances designed for processing a continuous web, strip or wire which emit organic materials and using operations described in this section shall be collectively subject to compliance with this section.

B. A person shall not discharge into the atmosphere more than 40 pounds of organic materials in any one day, nor more than 8 pounds in any one hour, from any article, machine, equipment or other contrivance used under conditions other than described in section A, for employing or applying any photochemically reactive solvent, as defined in section J, or material containing such photochemically reactive solvent, unless said discharge has been reduced by at least 85 percent. Emissions of organic materials into the atmosphere resulting from air or heated drying of products for the first 12 hours after their removal from any article, machine, equipment or other contrivance described in this section shall be included in determining compliance with this section. Emissions resulting from baking, heatcuring, or heat-polymerizing as described in section A shall be excluded from determination of compliance with this section. Those portions of any series of articles, machines, equipment or other contrivances designed for processing a continuous web, strip or wire which emit organic materials and using operations described in this section shall be collectively subject to compliance with this section.

C. A person shall not, discharge into the atmosphere more than 3,000 pounds of organic materials in any one day, nor more than 450 pounds in any one hour, from any article, machine, equipment or other contrivance in which any non-photochemically reactive organic solvent or any material containing such solvent is employed or applied, unless said discharge has been reduced by at least 85 percent. Emissions of organic materials into the atmosphere resulting from air or heated drying of products for the first 12 hours after their removal from any article, machine, equipment or other contrivance described in this section shall be included in determining compliance with this section. Emissions resulting from baking, heat-curing, or heat-polymerizing as described in section A shall be excluded from determination of compliance with this section. Those portions of any series of articles, machines, equipment or other contrivances designed for processing a continuous web, strip or wire which emit organic materials and using operations described in this section shall be collectively subject to compliance with this section.

D. Emissions of organic materials to the atmosphere from the cleanup with photochemically reactive solvent, as defined in section J, of any article, machine, equipment or other contri-

vance described in sections A, B or C, shall be included with the other emissions of organic materials from that article, machine, equipment or other contrivance for determining compliance with this rule.

E. Emissions of organic materials into the atmosphere required to be controlled by sections A, B or C, shall be reduced by:

1. Incineration, provided that 90 percent or more of the carbon in the organic material being incinerated in oxidized to carbon dioxide, or

2. Adsorption, or

3. Processing in a manner determined by the Air Pollution Control Officer to be not less effective than 1 or 2 above.

F. A person incinerating, adsorbing, or otherwise processing organic materials pursuant to this Rule shall provide, properly install and maintain in calibration, in good working order and in operation, devices as specified in the authority to construct or the permit to operate, or as specified by the Air Pollution Control Officer, for indicating temperatures, pressures, rates of flow or other operating conditions necessary to determine the degree and effectiveness of air pollution control.

G. Any person using organic solvents or any materials containing organic solvents shall supply the Air Pollution Control Officer, upon request and in the manner and form prescribed by him, written evidence of the chemical composition, physical properties and amount consumed for each organic solvent used.

H. The provisions of this Rule shall not apply to:

1. The manufacture of organic solvents, or the transport or storage of organic solvents or materials containing organic solvents.

2. The use of equipment for which requirements are specified by Rule 15, 16 or 17, of Regulation V, which are exempt from air pollution control requirements by said Rules.

3. The spraying or other employment of insecticides, pesticides or herbicides.

4. The employment, application, evaporation or drying of saturated halogenated hydrocarbons or perchloroethylene.

5. The use of any material, in any article, machine, equipment or other contrivance described in sections A, B, C, or D if:

   (a) The volatile content of such material consists only of water and organic solvents, and

   (b) The organic solvents comprise not more than 20 percent of said volatile content, and

   (c) The volatile content is not photochemically reactive as defined in section J.

I. For the purposes of this Rule, organic solvents include diluents and thinners and are defined as organic materials which are liquids at standard conditions and which are used as dissolvers, viscosity reducers or cleaning agents, except that such materials which exhibit a boiling point higher than 220° F. at 0.5 millimeter mercury absolute pressure or having an equivalent vapor pressure shall not be considered to be solvents unless exposed to temperatures exceeding 220° F.

J. For the purposes of this Rule, a photochemically reactive solvent with an aggregate of more than 20 percent of its total volume composed of the chemical compounds classified below or which exceeds any of the following individual percentage composition limitations, referred to the total volume of solvent:

   1. A combination of hydrocarbons, alcohols, aldehydes, esters, ethers or ketones having an olefinic or cyclo-olefinic type of unsaturation: 5 percent;

   2. A combination of aromatic compounds with eight or more carbon atoms to the molecule except ethylbenzene: 8 percent; and

   3. A combination of ethylbenzene, ketones having branched, hydrocarbon structures, trichloroethylene or toluene: 30 percent.

Whenever any organic solvent or any constituent of an organic solvent may be classified from its chemical structure into more than one of the above groups of organic compounds, it shall be considered as a member of the most reactive chemical group, that is, that group having the least allowable percent of the total volume of solvents.

For the purposes of this rule, organic materials are defined as chemical compounds of carbon excluding carbon monoxide, carbon dioxide, carbonic acid, metallic carbides, metallic carbonates and ammonium carbonate.

This rule shall become effective on January 1, 1974 for all sources which are either in operation, or under construction under a valid authority

to construct on May 17, 1972. This rule shall be effective for all other sources on May 17, 1972.

Rule 18.1. ARCHITECTURAL COATINGS.

A. A person shall not sell or offer for sale for use in Amador County, in containers of one quart capacity or larger, any architectural coating containing photochemically reactive solvent, as defined in Rule 18 J.

B. A person shall not employ, apply, evaporate or dry in Amador County any architectural coating, purchased in containers of one quart capacity or larger, containing photochemically reactive solvent, as defined in Rule 18 J.

C. A person shall not thin or dilute any architectural coating with a photochemically reactive solvent, as defined in Rule 18 J.

D. For the purpose of this rule, an architectural coating is defined as a coating used for residential or commercial buildings and their appurtenances; or industrial buildings.

This rule shall become effective on January 1, 1974, for all sources which are either in operation, or under construction under a valid authority to construct on May 17, 1972. This rule shall be effective for all other sources on May 17, 1972.

Rule 18.2. DISPOSAL AND EVAPORATION OF SOLVENTS.

A person shall not during any one day dispose of a total of more than 1-1/2 gallons of any photochemically reactive solvent, as defined in Rule 18 J, or of any material containing more than 1-1/2 gallons of any such photochemically reactive solvent by any means which will permit the evaporation of such solvent into the atmosphere.

This rule shall become effective on January 1, 1974, for all sources which are either in operation, or under construction under a valid authority to construct on May 17, 1972. This rule shall be effective for all other sources on May 17, 1972.

(51.5) Rule 19. FUEL BURNING EQUIPMENT.
(51.6)
(51.7) A person shall not build, erect, install or expand any nonmobile fuel burning equipment unit unless the discharge into the atmosphere of contaminants will not and does not exceed any one or more of the following rates:

A. 200 pounds per hour of sulphur compounds, calculated as sulphur dioxide (SO_2);

B. 140 pounds per hour of nitrogen oxides, calculated as nitrogen dioxide (NO_2);

C. 10 pounds per hour of combustion contaminants as defined in Rule 2 H, Regulation 1, and derived from the fuel.

For the purpose of this Rule, "Fuel Burning Equipment" means any furnace, boiler, apparatus, stack, and all appurtenances thereto, used in the process of burning fuel for the primary purpose of producing heat or power by indirect heat transfer. A fuel burning unit shall be comprised of the minimum number of fuel burning equipment, the simultaneous operations of which are required for the production of useful heat or power.

Fuel burning equipment serving primarily as air pollution control equipment by using a combustion process to destroy air contaminants shall be exempt from the provisions of this Rule.

Nothing in this Rule shall be construed as preventing the maintenance or preventing the alteration or modification of an existing fuel burning equipment unit which will reduce its mass rate of air contaminant emissions.

(51.21) Rule 20. REDUCTION OF ANIMAL MATTER.

A person shall not operate or use any article, machine, equipment or other contrivance for the reduction of animal matter, unless all gases, vapors, and gas-entrained effluents from such an article, machine, equipment or other contrivances are:

A. Incinerated at temperatures of not less than 1200 degrees Fahrenheit for a period of not less than 0.3 second, or

B. Processed in such a manner determined by the Air Pollution Control Officer to be as effective, or more effective for the purpose of air pollution control than A above.

A person incinerating or processing gases, vapors or gas-entrained effluents pursuant to this Rule shall provide, properly install and maintain in calibration, in good working order and in operation devices, as specified in the Authority to Construct or Permit to Operate or as specified by the Air Pollution Control Officer, for indicating temperature, pressure or other operating conditions.

For the purpose of this Rule, reduction is defined as any heated process, including rendering, cooking, drying, dehydration, digesting, evaporating and protein concentrating.

The provisions of this Rule shall not apply to any article, machine, equipment or other contrivance used exclusively for the processing of food for human consumption.

This rule shall become effective on January 1, 1974, for all sources which are either in operation, or under construction under a valid authority to construct on June 1, 1972. This rule shall be effective for all other sources on June 1, 1972.

(2.0) Rule 21. CIRCUMVENTION.

A. A person shall not build, erect, install, or use any article, machine, equipment or other contrivance, the use of which, without resulting in a reduction in the total release of air contaminants to the atmosphere, reduces or conceals an emission which would otherwise constitute a violation of Division 20, Chapter 2 of the Health and Safety Code of the State of California or of these Rules and Regulations. This Rule shall not apply to cases in which the only violation involved is of Section 24243 of the Health and Safety Code of the State of California, or of Rule 5 of these Rules and Regulations.

B. If air contaminants from a single source operation are emitted through two or more emission points, the total emitted quantity of any air contaminant, limited in these Rules and Regulations cannot exceed the quantity which would be the allowable emission through a single emission point; the total emitted quantity of any such air contaminant shall be taken as the product of the highest concentration measured in any of the emission points and the combined exhaust gas volume through all emission points, unless the person responsible for the source operation establishes, to the Air Pollution Control Officer's satisfaction, the correct total emitted quantity.

C. If air contaminants from two or more source operations are combined prior to emission and there are adequate and reliable means reasonably susceptible to confirmation and use by the Control Officer for establishing a separation of the components of the combined emission to indicate the nature, extent, quantity and degree of emission arising from each such source operation, these Rules and Regulations shall apply to each such source operation separately.

D. If air contaminants from two or more source operations are combined prior to emission, and the combined emissions cannot be separated according to the requirements of Rule 21 C, these Rules and Regulations shall be applied to the combined emission as if it originated in a single source operation subject to the most stringent limitations and requirements placed by these Rules and Regulations on any of the source operations whose air contaminants are so combined.

For the purpose of this Rule, source operation means the last operation preceding the emission of an air contaminant, which operation (a) results in the separation of the air contaminant from the process materials or in the conversion of the process materials into air contaminants, as in the case of combustion of fuel; and (b) is not an air pollution abatement operation.

(12.0) Rule 22. EMISSION CONTROL FOR USED MOTOR VEHICLES.

Every 1955 through 1962 model year motor vehicle subject to registration in this District shall be required to be equipped, at the time of transfer of ownership, with a device certified by the State Air Resources Board for the control of emissions of pollutants from the crankcase.

Regulation VI

Procedure Before the Hearing Board

(2.0) Rule 1. APPLICABLE ARTICLES OF THE HEALTH & SAFETY CODE.

The provisions of Article 5 and Article 6, Chapter 2, Division 22 of the Health and Safety Code of the State of California, respectively entitled Variances and Procedures are applicable within the boundaries of the Amador County Air Pollution Control District.

(2.0) Rule 2. GENERAL.

This regulation shall apply to all hearings before the Hearing Board of the Air Pollution Control District.

(2.0) Rule 3. FILING PETITIONS.

Request for a hearing shall be initiated by the filing of a petition in triplicate with the Clerk of the Hearing Board, and the payment to said Clerk of a fee established by Resolution of the Board of Supervisors.

No fee shall be required for the filing of a petition by a public agency or a public officer acting in the scope of his official capacity.

(2.0) Rule 4. CONTENTS OF PETITIONS.

Every petition shall state:

A. The name, address, and telephone number of the petitioner, or other person authorized to receive service or notice.

B. Whether the petitioner is an individual, co-partnership, corporation, or other entity, and names and addresses of the persons in control, if other entity.

C. The type of business or activity involved in the application and the street address at which it is conducted.

D. A brief description of the article, machine, equipment or other contrivance, if any, involved in the application.

E. Whether the petitioner desires a hearing:

1. For a variance under provisions of Section 24292, Health and Safety Code; or

2. To revoke or modify a variance under provisions of Section 29298, Health and Safety Code.

F. Each petition shall be signed by the petitioner, or some other person on his behalf, and where the person signing is not the petitioner, it shall set forth his authority to sign.

G. All petitions shall be typewritten, double spaced, on legal or letter size paper, on one side of the paper only, leaving a margin of at least three (3) inches at the top of the first page, one (1) inch at the top of subsequent pages, and one (1) inch at the sides and bottom of each page of the petition.

(5.0) Rule 5. PETITION FOR VARIANCES.

In addition to the matters required by paragraph 4, Regulation VI, petitions for Variance shall state briefly:

A. The section, rule or order complained of;

B. The facts showing why compliance with the section, rule or order is unreasonable;

C. For what period of time the variance is sought and why;

D. The damage or harm resulting, or which would result, to petitioners from a compliance with such section, rule or order;

E. The requirements which petitioner can meet and the date when petitioner can comply with such requirements;

F. The advantages and disadvantages to the residents of the District resulting from granting a variance;

G. Whether or not operations under such variance, if granted, would constitute a nuisance.

(2.0) Rule 6. FAILURE TO COMPLY WITH RULES.

The Clerk of the Hearing Board shall not accept for filing any petition which does not comply with these rules relating to the form, filing and service of petitions, unless the Chairman or any two members of the Hearing Board direct otherwise and confirm such direction in writing. Such direction need not be made at a meeting of the Hearing Board. The Chairman or any two members, without a meeting, may require the petitioner to state further facts or reframe a petition so as to disclose clearly the issues involved.

(2.0) Rule 7. ANSWERS.

Any person may file an answer within ten (10) days after service. All answers shall be served in the same manner as petitions under provisions of Paragraph 3, Regulation VI.

(2.0) Rule 8. DISMISSAL OF PETITION.

The petitioner may dismiss his petition at any time before submission of the case to the Hearing Board, without a hearing or meeting of the Hearing Board. The Clerk of the Hearing Board shall notify all interested persons of such dismissal.

(16.0) Rule 9. PLACE OF HEARING.

All hearings shall be held at the place designated by the Hearing Board.

(16.0) Rule 10. NOTICE OF HEARING.

The Clerk of the Hearing Board shall mail or deliver a notice of hearing to the petitioner, the Air Pollution Control Officer, the holder of the permit or variance involved, if any, and to any person entitled to notice under the provisions of Sections 24275, 24295, or 24299, of the Health and Safety Code of the State of California.

(2.0) Rule 11. EVIDENCE.

A. Oral evidence shall be taken only on oath or affirmation.

B. Each party shall have these rights: to call and examine witnesses; to introduce exhibits; to cross-examine opposing witnesses on any matter relevant to the issues, even though that matter was not covered in the direct examination; to impeach any witness regardless of which party first called him to testify; and to rebut the evidence against him. If respondent does not testify in his own behalf, he may be called and examined, as if under cross-examination.

C. The hearing need not be conducted according to technical rules relating to evidence and witnesses. Any relevant evidence shall be admitted if it is the sort of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs regardless of the existence of any common law or statutory rule which might make improper the admission of such evidence over objection in civil actions. Hearsay evidence may be used for the purpose of supplementing or explaining any direct evidence but shall not be sufficient in itself to support a finding unless it shall be admissible over objection in civil actions. The rules of privilege shall be effective to the same extent that they are now or hereafter may be recognized in civil actions, and irrelevant and unduly repetitious evidence shall be excluded.

(13.0) Rule 12. RECORD OF PROCEEDINGS.

A record of all proceedings had before the Hearing Board shall be made. The record shall be prepared in accordance with one of the following methods:

A. A written summary of the evidence, testimony and proceedings had and presented at the hearing shall be made by a person designated by the Hearing Board for that purpose; or

B. Any interested person, including the District, may at his own cost provide a certified shorthand reporter, satisfactory to the Hearing Board, who shall prepare a verbatim transcript of all the evidence, testimony and proceedings had and presented at the hearing.

The original and one copy of such transcript, each certified to by the reporter as to its accuracy, shall be filed with the Hearing Board within thirty (30) days from the closing date of the hearing, unless required by the Board prior to that time. No matter shall be deemed submitted under this regulation until such transcript has been filed with the Hearing Board unless otherwise ordered by the Hearing Board.

(2.0) Rule 13. PRELIMINARY MATTERS.

Preliminary matters, such as setting a date for hearing, granting continuances, approving petitions for filing, allowing amendments and other preliminary rulings not determinative of the merits of the case, may be made by the Chairman or any two members of the Hearing Board without notice.

(2.0) Rule 14. OFFICIAL NOTICE.

The Hearing Board may take official notice of any matter which may be judicially noticed by the courts of this State.

(2.0) Rule 15. CONTINUANCES.

The Chairman or any two members of the Hearing Board shall grant any continuance of fifteen (15) days or less, concurred in by petitioner, the Air Pollution Control Officer and by every person who has filed an answer in the action, and may grant any reasonable continuance; in either case, such action may be exparte, without a meeting of the Hearing Board and without prior notice.

(2.0) Rule 16. DECISION.

The decision shall be in writing, served and filed within fifteen (15) days after submission of the case by the parties thereto, and shall contain a brief statement of facts found to be true, the determination of the issues presented, and the order of the Hearing Board. A copy shall be mailed or delivered to the Air Pollution Control Officer, the petitioner and to every person who has filed an answer or who has appeared as a party in person or by counsel at the hearing.

(2.0) Rule 17. EFFECTIVE DATE OF DECISION.

The decision shall become effective fifteen (15) days after delivering or mailing a copy of the decision, as provided in Paragraph 16, Regulation VI, or the Hearing Board may order that the decision shall become effective sooner.

Regulation VII

Agricultural Burning

(1.0) Rule 1. DEFINITIONS.

A. Agricultural Burning: Means open outdoor fires used in agricultural operations in the growing of crops or raising of fowl or animals, forest management, or range improvement, including the burning of agricultural wastes.

B. Agricultural Wastes: Are defined as unwanted or unsalable materials produced wholly from agricultural operations other than forest or range management operations directly related to the growing of crops or animals for the primary purpose of making a profit or for a livelihood. This also includes, for the purpose of cultural practice burns, the burning of fence rows and ditch banks for weed control and weed maintenance, burning in nontillage orchard operations and paper trays, but does not include such items as shop wastes, demolition material, garbage, oil filters, tires, pesticide containers, broken boxes,

pallets, and other similar material, or orchard or vineyard wastes removed for land use conversion to nonagricultural purposes.

C. No-Burn Day: Means any day on which the Board prohibits agricultural burning.

D. Burn Day: Means any day on which the Board does not prohibit agricultural burning.

E. Board: Means the Amador County Air Pollution Control Board or any person authorized to act in its behalf.

F. County Authority: Means the Amador County Air Pollution Control District.

G. Approved Ignition Devices: Includes those instruments or materials that will ignite agricultural waste without the production of black smoke by the ignition device. This would include such items as liquid petroleum gas, butane, propane or diesel oil burners, and flares but does not include the use of tires, tar paper, oil, and other similar materials.

(51.13) Rule 2. PROHIBITIONS.

A. No person knowingly shall set or permit agricultural burning unless he has a valid permit from the fire control agency designated by the Amador County Air Pollution Control Board to issue such permits in the area where the agricultural burn will take place.

1. Each fire control agency so designated by the Board shall issue agricultural burning permits subject to the Rules and Regulations of the Board and of the Amador County Air Pollution Control District.

B. Each applicant for a permit shall provide information as required by the designated fire protection agency for fire protection purposes.

C. Each applicant for a permit shall provide information as required by the Amador County Air Pollution Control District.

D. Prior to the burn, notice of intent shall be given by the permittee to the fire control agency having jurisdiction over the site of the proposed burn.

E. No permit shall be valid for any day during a period in which agricultural burning is prohibited by the Board.

F. No permit shall be valid for any day in which burning is prohibited by the designated fire control agency having jurisdiction over the site of the burn for the purposes of fire control prevention.

G. All agricultural wastes to be burned must be free of tires, rubbish, tar paper, construction debris, used pesticide containers, and all other nonagricultural wastes.

H. All agricultural wastes to be burned shall be loosely stacked in such manner as to promote drying and insure combustion with a minimum of smoke production. All agricultural wastes to be burned shall be free of excessive dirt, soil, and visible surface moisture.

I. All agricultural wastes to be burned shall be ignited only with approved types of ignition devices as defined herein.

J. The following types of agricultural waste materials to be burned shall be allowed to dry for the following minimum time periods or equivalent:

1. Rice Stubble: 4 days following harvest

2. Dry Cereals: 0 days

3. Prunings and Small Branches: 3 weeks

4. Large Branches and Trees: 6 weeks

K. Materials to be burned shall be ignited only during daylight hours, and all burning shall be terminated by sunset of each day. No material shall be added to an existing fire after 3:00 p.m., Pacific Standard Time.

L. No burning of agricultural waste materials shall be permitted which will create a nuisance as defined in Section 24243 of the California State Health and Safety Code.

M. The Amador County Air Pollution Control Officer may restrict agricultural waste burning to selected permittees on designated Burn-Days if the total tonnage to be ignited would discharge a volume of contaminants into the atmosphere sufficient to cause adverse conditions.

(2.0) Rule 3. <u>EXCEPTIONS</u>.

A. Exception to Rule 2 E and K: The Amador County Air Pollution Control Officer may grant an exception to allow burning on a

No-Burn Day so designated by the Board, and in certain situations to allow burning to continue past sunset of each day, when denial of such permit would threaten imminent and substantial economic loss.

The granting of an exception does not exempt the applicant from any other district or fire control regulation. The applicant shall submit in writing on the form provided, his reasons for the exception. The Amador County Air Pollution Control Officer may seek the advice of the County Agricultural Commissioner, the County Farm Advisor, or other informed sources.

B. Agricultural burning at 4,000 feet or more above mean sea level is exempt from Rule 2 E.

(15.0) Rule 4. PENALTY CLAUSE.

A. A violation of the provisions of these Rules and Regulations is a misdemeanor punishable by imprisonment in the county jail not exceeding six (6) months or by fine not exceeding five hundred dollars ($500), or both, and the cost of putting out the fire. Every day during any portion of which such violation occurs constitutes a separate offense.

B. The fire control agency designated by the Board and having jurisdiction over the site of the agricultural burn and the Air Pollution District of Amador County shall enforce these Rules and Regulations.